



City of
Peterborough

To: Members of the Planning Committee

From: Ken Hetherington, Manager, Planning Division

Meeting Date: September 15, 2014

**Subject: Report PLPD14-058
482 Mark Street**

Purpose

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 482 Mark Street to permit the property to be used for a maximum of three dwelling units within the existing buildings.

Recommendations

That Council approve the recommendations outlined in Report PLPD14-058 dated September 15, 2014, of the Manager, Planning Division, as follows:

- a) That Section 3.4 – Alternative Regulations, of Comprehensive Zoning By-law #1997-123 be amended to add a provision to reduce the minimum building setback from the rear lot line in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD14-058.
- b) That the zoning of the subject property, be amended from the R.1, R.2 - Residential District to the R.3,7c, 10l,14h,16b,20a – 292 – H District, in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD14-058.
- c) That the 'H' Holding Symbol be removed subject to the following:
 - i) Site Plan Approval is granted for the subject property;
 - ii) Payment of cash-in-lieu of parkland for the third unit; and
 - iii) Payment of all applicable development charges for the third unit.

Budget and Financial Implications

There are no direct budget or financial implications arising from the approval of this application.

Background

The subject application was received and deemed to be complete on July 2, 2014 and was processed in accordance with department procedures. The Planning Act allows applicants to appeal Zoning By-Law Amendment Applications after the expiry of 120 days of the application being deemed complete. The applicant is in a position to file an appeal to the Ontario Municipal Board any time after October 30, 2014 if Council has not made a decision.

The subject property is approximately 941 m² (10126 ft.²) in size, located on the east side of Mark Street between Douro Street and Hunter Street East. The property supports a two and a half storey brick dwelling on the westerly portion of the lands at Mark Street and a two and a half storey brick workshop building (former Mattress Factory) on the easterly portion of the property adjacent to the Rotary Trail. The applicant intends to convert the upper one and a half storeys of the existing workshop building in the rear yard to a residential unit. The application proposes to zone the property to permit up to a maximum of 3 dwelling units with an accessory workshop and site specific regulations.

The existing dwelling on the west side of the property was constructed in 1909 and has been used as a duplex for approximately 90 years. The workshop building on the easterly portion was constructed in 1927 and was formerly used as a mattress factory and more recently as a carpentry workshop for the current owner/applicant.

The property was subject of applications for Zoning Amendment in 1991 and 1997 whereby previous owners sought to change the use of the workshop building (former Mattress Factory) from the legal non conforming industrial use to residential, to permit the conversion of the existing building to two residential dwelling units for a total of four units on the property. There was significant neighbourhood opposition to both applications, generally based on concerns regarding the condition and maintenance of the property and property development details. The current owners purchased the property in January, 2004. Significant improvements have been made to the maintenance of the property and the buildings since 2004. The current application now proposes to convert the upper 1 ½ storeys of the former industrial building, now known as the workshop building, to a single dwelling unit for the owners who intend to continue to use the first floor as a home based business (carpentry shop).

Since the purchase of the property by the current owners, the Committee of Adjustment has approved two Minor Variances for the property. In 2004, the Committee increased the permitted maximum floor area of a home based business and increased the permitted

amount of floor space dedicated to a home based business within an accessory building to allow use of the main floor of the existing accessory building (former Mattress Factory) for a carpentry shop, subject to restriction of hours of operation. In 2008, the Committee reduced the minimum building setback from Mark Street to permit a new gable end roof design facing the street, subject to approvals for the design and completion of work within a 3 month period. The 2004 variance was also subject of an Ontario Municipal Board Hearing in 2004 whereby the appeal was dismissed and the Committee of Adjustment decision was upheld.

The current application seeks to expand the permitted uses of the rear building to include a separate dwelling unit on the upper one and one half storeys.

Analysis

a) Official Plan

The lands are currently designated “Residential” on Schedule ‘A’ – Land Use of the City of Peterborough Official Plan. The density of the residential use for three units is within the range of a medium density residential development. The application is assessed with the intensification and infill housing evaluation criteria of Section 4.2.5.7 of the City of Peterborough Official Plan.

The proposal to permit a third dwelling unit at 482 Mark Street with parking for a total of six vehicles, respects the objectives of the infill and intensification policies, as described by the City’s Official Plan.

Based on the size of the subject property, the density of the three units on the property is approximately 32 units per hectare (12.9 units per acre). The Official Plan policies support infill housing, up to a maximum of 75 units per hectare outside of the Central Area (27 units per acre) through an amendment to the Zoning By-law, provided the development respects the scale and physical characteristics of existing development in the surrounding neighbourhood. The amendment proposes to repurpose the existing rear building for a single unit on the upper floor with a carpentry workshop on the main floor and the applicant proposes to expand the existing parking area, providing a ratio of 2 parking spaces per unit.

The size and character of the existing buildings are well established in the neighbourhood and the owner proposes to add a covered balcony on the west wall of the rear building in accordance with the Historical Designation of the building, lending a more residential character to the former industrial building.

Approval of the third dwelling unit is supportable, based on the relevant policies of the City’s Official Plan.

b) **Zoning By-law**

The subject property is currently zoned R.1 – Residential District, and the use of the lands as a two unit dwelling is permitted as a legal non-conforming duplex. The use of the property for three dwelling units is not permitted under the existing zoning of the site and requires an amendment to the Zoning By-Law.

The applicant has requested a zoning by-law amendment to rezone the property to allow the conversion of the upper one and a half storeys of the easterly building on the property to a residential dwelling unit.

The property is located in an area well served by parks and schools and backs onto the Rotary Trail. The parking in the rear yard has been established on the property for many years and access is shared with the owner to the south to service both rear yard parking areas. The ratio of hard surface and green space, with the parking and driveway areas will be expanded slightly to accommodate a sixth space to comply with the minimum requirements of 1.75 spaces per unit for three units. A special regulation is proposed to increase the ratio to 30% of the lot area.

The introduction of relaxed zoning regulations would facilitate the third unit and limit the use of the property to a maximum of 3 dwelling units. A new alternative regulation to reduce the minimum distance between the existing easterly building and the rear property line is required and included in the draft amendment as Alternative Regulation “10I” in the attached draft Zoning By-Law Amendment.

The proposed amendment permits the use of the property for up to 3 dwelling units, subject to the following provisions:

Provision	R3 Regulation	Proposed
maximum lot coverage for open parking, driveway and vehicle movement areas	25% of the lot area	30% of the lot area
minimum rearyard setback	9m	2.2m
minimum lot width per dwelling unit	6m	4.2m
Permitted uses	Dwelling unit Boarding house	Dwelling Unit
minimum distance between vehicle access area and lot line	1.5m	0m
Minimum aisle width for 90 degree parking	6.4m	6m

Planning Staff recommend the use of a ‘H’ Holding Symbol on the zoning of the property to ensure that a Site Plan is approved for the property with an agreement to be registered on title to ensure proper site development and maintenance of the property into the future.

c) **Site Development**

The applicant has provided a Concept Site Plan illustrating the parking and driveway areas to accommodate the required parking in the rear. The applicant will be required to enter into a Site Plan Agreement with the City of Peterborough to ensure the maintenance of the parking and buffering/landscape facilities on site.

Response to Notice

a) **Significant Agency Responses:**

Agency circulation was issued on July 9, 2014.

The City's Utility Services Department has requested that the applicant confirm that the existing private services to the property are adequate for the proposed use and note the reduced width of the driveway adjacent to the parking spaces. The easterly building is currently independently serviced with municipal sanitary sewer, water and electricity. Sanitary sewer connection is from the main that runs along the trail to the east. The balance of the services are connected via Mark Street. Cash in lieu of parkland is recommended where required.

The City's Building Division indicate that Building Permit requirements will likely include requirements for fire separation between the workshop and the new dwelling unit.

Otonabee Conservation have no objection and note that the property is outside the flood plain of Curtis Creek and safe access is available to the property, although portions of the Mark Street road surface are subject to flooding. The property owner is advised that a permit is required from ORCA prior to any fill placement, grade alteration or construction taking place in the regulated area of the property (front portion).

The Peterborough Architectural Conservation Advisory Committee (PACAC) have no objection to the application, however, require submission of an 'Application for Alteration' with the Heritage Preservation Officer and a further design review to ensure compatibility, prior to any permits being issued because the property is designated under the Ontario Heritage Act.

Peterborough Utilities Services Inc. has indicated that water meters are to be installed and development charges are applicable. In addition, if electrical heating is planned, the developer should be aware of the Energy Consumer Protection Act – Ontario Regulation 389/10.

No further agency has expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

b) Summary of Public Responses:

Notice of Complete Application was issued by mail on July 9, 2014 and by newspaper advertisement (Peterborough Examiner) on July 7, 2014. Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on August 18, 2014. The notice complies with the requirements of the Planning Act.

No written comments have been received as of August 25, 2014.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Concurred with,

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Attachments:

Exhibit A - Land Use Map
Exhibit B - Concept Plan
Exhibit C –Draft Zoning By-law

Exhibit A, Page 1 of 1

Land Use Map

File # z1414

Property Location: 482 Mark St

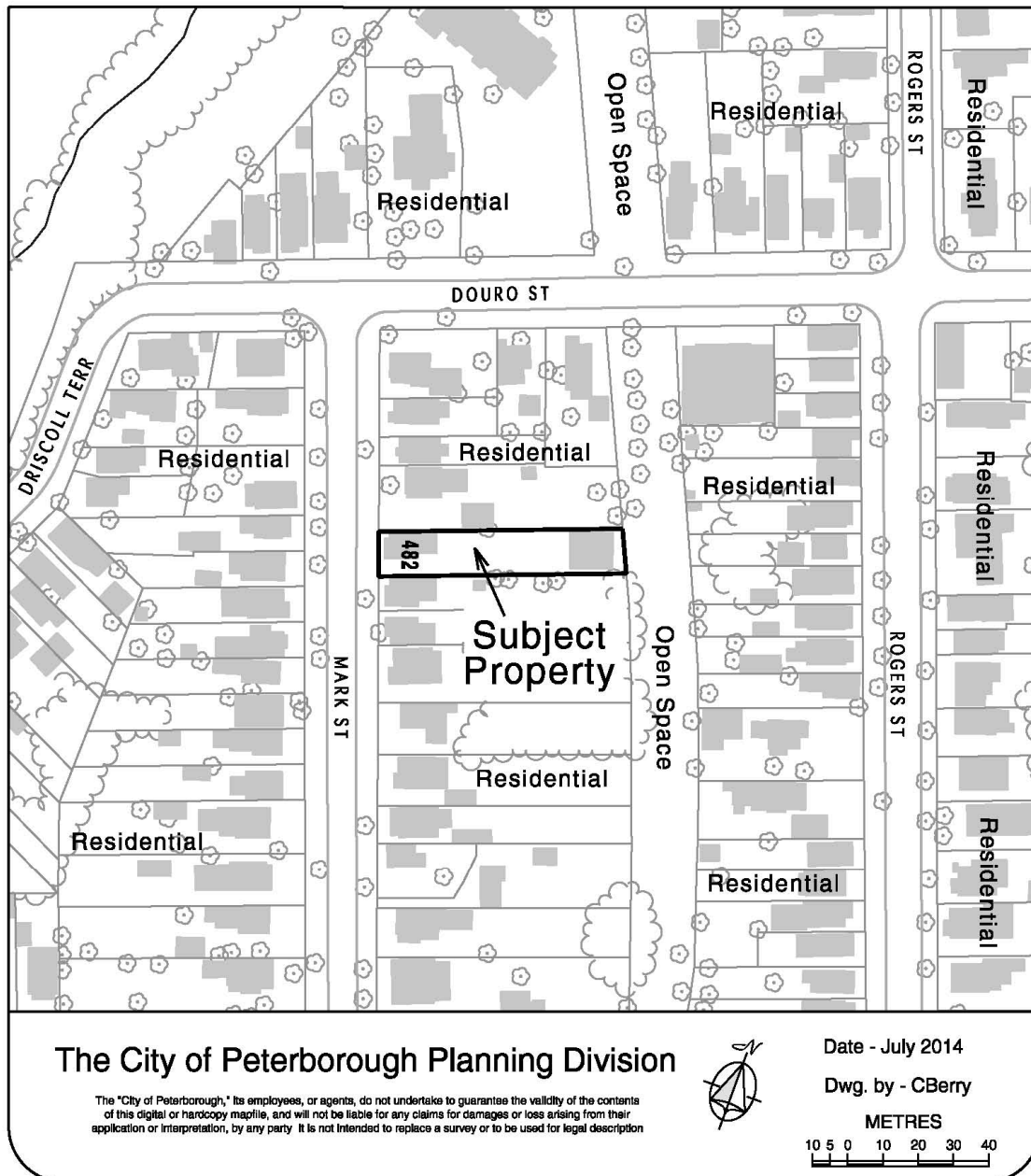


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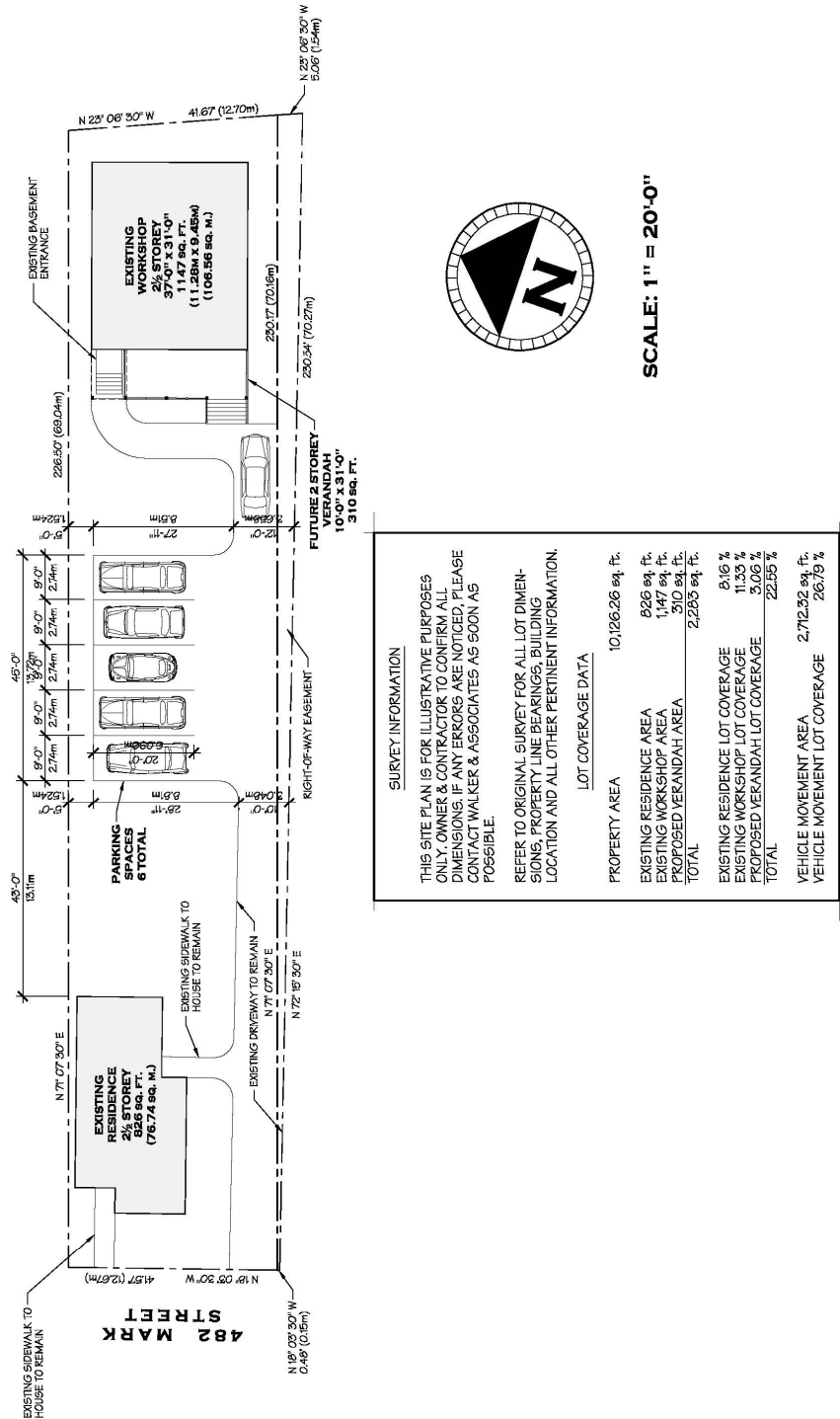


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The Corporation of the City of Peterborough

By-Law Number 14-

Being a By-law to Amend the Zoning By-law for the property known as 482 Mark Street

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. Map 13 forming part of Schedule "A" to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule "A" from **R.1, R.2 - to R.3,7c, 10l, 14h, 16b, 20a – 292 – H.**
2. Section 3.4 – Alternative Regulations is amended by adding the following:
"MINIMUM BUILDING SETBACK – REAR LOT LINE"
l. 2.2m"
3. The 'H' – Holding Symbol will be removed from the Zoning By-law upon the completion of the following:
 - i) Site Plan Approval is granted for the subject property;
 - ii) Payment of cash-in-lieu of parkland for the third unit; and
 - iii) Payment of all applicable development charges for the third unit.

By-law read a first, second and third time this day of , 2014.

Daryl Bennett, Mayor

John Kennedy, City Clerk

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